



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 5, 1998

Ms. Susan C. Rocha  
Denton, McKamie & Navarro  
1700 Tower Life Building  
310 South St. Mary's Street  
San Antonio, Texas 78205-3111

OR98-1408

Dear Ms. Rocha:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116061.

The City of San Antonio (the "city") received a request from an applicant for the city fire department for his "complete file" and for any other records pertaining to his situation with the fire department. Representative samples of the records at issue were submitted to this office for review.<sup>1</sup> You contend that the responsive records are excepted from disclosure pursuant to section 552.103(a) of the Government Code.

To show that section 552.103(a) is applicable, a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to the litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You submitted to this office a copy of a petition showing that the city is involved in pending litigation. We reviewed the records at issue and conclude that they are related to the subject of the pending litigation. Thus, you have shown the applicability of section 552.103(a) to the requested documents. We note, however, that section 552.103(a) is generally inapplicable to the information at issue that has been seen by the opposing parties to the litigation. Open Records Decision Nos. 349 (1982), 320 (1982). Also, the applicability of section 552.103(a) ends once the litigation concludes.<sup>2</sup> Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

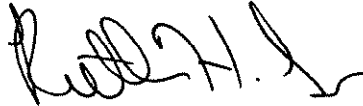
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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

<sup>2</sup>We note that information made confidential by law, such as information that implicates privacy interests, remains confidential even after the litigation concludes. However, because the requestor seeks his own application information, no privacy interests are implicated. Gov't Code §552.023

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 116061

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Enclosures: Submitted documents

cc: Mr. Samuel Andrade, Jr.  
6207 Slate Valley  
San Antonio, Texas 78242  
(w/o enclosures)